IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2349 of 2006

JASRAJ

V/S

NATHULAL & ORS.

Mr. ARUN BHANSALI, for the appellant / petitioner

Mr. SURESH SHRIMALI (CAVEATOR, for the respondent

Date of Order : 4.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

In the totality of circumstances, I am not inclined to interfere with the impugned order refusing permission to lead secondary evidence under Section 65 of the Evidence Act. The writ petition is, therefore, dismissed summarily. However, it is made clear that it will be open to the petitioner to assail the correctness, legality or propriety of the impugned order in appeal by setting forth appropriate ground, if necessity so arises, and if the petitioner so stands advised. The record of the learned trial court be returned forthwith. The learned trial court is directed to expeditiously proceed with the trial.

(N P GUPTA),J.

/Sushil/